IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20704 of 2006

DATED: 27.10.2006

Between:

Yaganti Vishnu petitioner

And

The Chairman & Managing Director,
APEPDCL, Sarasvathi Park, Visakapatnam & ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20704 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the memo dated 26.6.2006 placing the petitioner under suspension.

The petitioner herein is employed in the respondent company as Assistant Divisional Engineer. The Anti Corruption Bureau officials conducted raids/searches at the residence of petitioner and found that petitioner possess disproportionate assets and registered a crime under sections 13 (2) read with section 13 (1) (e) of Prevention of Corruption Act, 1998. Based on the information received from the Anti Corruption Bureau, the second respondent vide impugned proceedings dated 26.6.2006 placed the petitioner under suspension under Regulation 11 of A.P.S.E. Board Discipline and Appeal Regulations as adopted by A.P.E.P.D.C.L.

Learned counsel for petitioner submitted that petitioner is an innocent person falsely implicated into the charge. It is also submitted that the petitioner has approached the respondents 1 and 2 and explained the factual aspects and requested to revoke the suspension order. It is further submitted that the petitioner was placed under suspension in the month of June, 2006 and no further action was initiated in the matter by the respondents. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Standing

counsel for the respondent corporation.

A perusal of the impugned order indicate that the authority in its discretion thought that continuance of the petitioner in the office will prejudice the investigation. It is to be noted that suspension pending inquiry is not a punishment and normally this Court does not interfere with the same, unless the malafides are attributed or the suspension order is passed without any jurisdiction. It is for the concerned authority to review the matter and to take a decision with regard to revoking the suspension order or otherwise. Hence, the writ petition is disposed of directing the petitioner to submit a detailed representation to the Chief General Manager-second respondent herein raising all his contentions for revocation of the suspension order. On filing such a representation, the second respondent is directed to consider the same and pass appropriate orders in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 27.10.2006
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